

Message Text

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17

ACTION EA-10

INFO OCT-01 ISO-00 JUSE-00 L-02 SCA-01 SCSE-00 DEAE-00

SNM-02 PRS-01 SY-04 INR-07 NSC-05 SSO-00 INRE-00

NSCE-00 /033 W

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O 231045Z DEC 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC IMMEDIATE 6919

UNCLAS TOKYO 16671

E.O. 11652: N/A

TAGS: CGEN, JA

SUBJECT: DEPARTMENT OF JUSTICE DEPOSITION REQUEST

REF: TOKYO 16612, STATE 279329 AND PREVIOUS

1. AT END OF THREE HOUR MEETING MONDAY AFTERNOON MFA, JUSTICE AND NATIONAL POLICY AGENCY OFFICIALS STILL UNABLE TO DECIDE WHETHER TO PERMIT TAKING OF DEPOSITION UNDER PROCEDURES PROPOSED BY U.S.

2. MAF ASKS FOR SPECIFIC ANSWERS TO FOLLOWING QUESTIONS: FIRST, WHY IS IT NECESSARY TO BRING DEFENDANTS TO JAPAN TO SIT IN WHILE DEPOSITION BEING TAKEN. MFA NEEDS WHAT IT TERMS SOUND REASONS SINCE TWO OF DEFENDANTS HAVE CRIMINAL RECORDS HERE AND ARE INELIGIBLE FOR VISAS UNDER THEIR LAWS. SECOND, WHY IS IT NOT POSSIBLE FOR ATTORNEYS FOR DEFENDANTS TO REPRESENT THEM AND THEREBY ASSURE THEIR RIGHTS UNDER THE AMERICAN CONSTITUTION.

3. MAF STATES IT IS GIVING URGENT AND SERIOUS CONSIDERATION TO EMBASSYREQUEST BUT HAVING GREAT DIFFICULTY IN VIEW OF LACK OF PRECEDENTS AND FACT THAT PRESENCE OF DEFENDANTS WOULD LEAD TO CONCLUSION

THAT AN AMERICAN CRIMINAL TRIAL IS TAKING PLACE IN JAPAN.

4. EMB OF OPINION THAT GOJ SEEKING ANSWERS TO THSE QUESTIONS IN ORDER TO BE ABLE TO RESPOND IN EVENT DECISION TO PERMIT TAKING OF
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DEPOSITION IS QUESTIONED BY OPPOSITION IN DIET.

5. EMB HOPES IT WILL BE POSSIBLE FOR DEPT TO REPLY BY OPENING OF
OFFICE IN TOKYO TUESDAY DEC 24. EMB ALSO SUGGESTS POSSIBILITY THAT
FEDERAL JUDGE IN CALIFORNIA BE INFORMED THAT GOJ URGENTLY
CONSIDERING REQUEST BUT HAVING DIFFICULTIES IN VIEW OF OVER
NATURE OF CASE AND LACK OF PRECEDENTS. PERHAPS IT IS POSSIBLE
OBTAIN SOME EXTENSION IN THE DEADLINE HE HAS SET FOR RECEIVING
FAVORABLE DECISION.
HODGSON

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Disposition Event:
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